

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN CAPRIOLE, et al.,

Plaintiffs,

v.

UBER TECHNOLOGIES, INC., et al.,

Defendants.

Case No. 20-cv-02211-EMC

ORDER DISMISSING CASE

Docket No. 97

On May 14, 2020, the Court denied Plaintiffs' Motion for Preliminary Injunction and granted Defendants' Motion to Compel Arbitration. *See* Docket No. 96. There being no opposition by either party, the Court **DISMISSES** the case without prejudice. *See Green Tree Fin. Corp.-Alabama v. Randolph*, 531 U.S. 79, 87 n.2 (2000).

Certification to the Ninth Circuit pursuant to 28 U.S.C. § 1292(b) is not necessary to effectuate appealability of this Court's order. Unlike the district court in *Gonzalez v. Coverall North America Inc.*, 754 Fed. App'x. 594 (9th Cir. 2019), this Court did not grant the motion to compel arbitration and stay the case, prompting the plaintiffs' voluntary dismissal. Here, the Court is ordering that the case be dismissed. That order is final and appealable. *See Interactive Flight Techs., Inc. v. Swissair Swiss Air Transp. Co.*, 249 F.3d 1177, 1179 (9th Cir. 2001).

IT IS SO ORDERED.

Dated: May 24, 2020



EDWARD M. CHEN
United States District Judge